

April 19, 2011

229329

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

ENTERED
Office of Proceedings

APR 19 2011

Part of
Public Record

Re: STB Ex Parte No. 542 (Sub-No. 18), *Regulations Governing Fees for Services*

Dear Ms. Brown:

The Fertilizer Institute ("TFI") submits these comments in response to the Notice of Proposed Rulemaking ("NPRM") that the Surface Transportation Board ("Board" or "STB") issued in STB Docket Ex Parte No. 542 (Sub-No. 18) on February 15, 2011. The NPRM proposes reducing the filing fee for complaints, other than rate or competitive access complaints, from \$20,600 to \$350. It also sets the fees for Stand-Alone Cost ("SAC") rate complaints and Simplified-SAC rate complaints at \$350.

TFI applauds the Board for taking such a significant step toward eliminating the barriers to the regulatory remedies that the Board provides. More than ever before, shippers need access to the Board to challenge unlawful practices.

As the Board noted in its NPRM, the current filing fee for complaints, other than rate or competitive access complaints, has a chilling effect on shippers and consumers seeking to bring a complaint to the Board. For potential complainants, the \$20,600 fee is a substantial burden that only exacerbates the costs they have borne from unlawful practices.

The chilling effect of the current filing fee is especially troublesome because it effectively eliminates the Board's only means for addressing unlawful practices. Today, the Board cannot investigate and address unlawful practices without a formal complaint. Consequently, maintaining a fee that discourages complaints would perpetuate the existence of unlawful practices.

For these reasons, TFI encourages the Board to issue a final rule that adopts the changes that the NPRM proposes. By ensuring that shippers are not discouraged from filing formal complaints, these changes will help curtail unlawful practices.

Respectfully submitted,



Jeffrey O. Moreno

Jeff.Moreno@ThompsonHine.com Phone 202.263.4107 Fax 202.331.8330

232440 1